

SENATE BILL No. 109

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-11-2; IC 13-18-4.

Synopsis: Discharge of leachate into waters. Prohibits a person, other than a wastewater treatment plant that treats leachate to meet water quality standards, from discharging leachate into waters.

Effective: July 1, 2006.

Steele

January 9, 2006, read first time and referred to Committee on Energy and Environmental Affairs.

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Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

SENATE BILL No. 109

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-11-2-116.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2006]: **Sec. 116.5. "Leachate", for purposes**
4 **of IC 13-18-4-5.5, means a liquid that:**

5 (1) **has passed through or emerged from solid waste (as**
6 **defined in section 205 of this chapter); and**

7 (2) **contains soluble, suspended, immiscible, or miscible**
8 **material removed from the solid waste.**

9 SECTION 2. IC 13-11-2-258 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 258. "Wastewater
11 treatment plant", for purposes of **IC 13-18-4-5.5**, IC 13-18-11, and
12 environmental management laws, means the system of treatment
13 works, regulatory devices, equipment, and other facilities and
14 appurtenances installed to treat sewage, industrial wastes, and other
15 wastes delivered by a system of sewers and other related facilities,
16 whether owned or operated by the state, a municipality, or a person,
17 firm, or corporation. The term does not include septic tank disposal



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1 systems.

2 SECTION 3. IC 13-18-4-5.5 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2006]: **Sec. 5.5. (a) Except as provided in subsection (b), a person
5 may not:**

6 (1) throw, run, drain, or otherwise dispose of leachate into
7 waters; or

8 (2) cause, permit, or suffer leachate to be thrown, run,
9 drained, allowed to seep, or otherwise disposed into waters.

10 (b) Subsection (a) does not apply to a wastewater treatment
11 plant that discharges leachate into waters after the wastewater
12 treatment plant has treated the leachate so that the leachate does
13 not violate water quality standards established in rules of the
14 board.

15 SECTION 4. IC 13-18-4-6 IS AMENDED TO READ AS
16 FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6. (a) Whenever the
17 commissioner determines that a person:**

18 (1) is violating; or

19 (2) is about to violate;

20 section 5 **or 5.5** of this chapter, the department shall serve notice on the
21 person by certified mail of the commissioner's determination.

22 (b) The commissioner shall include in the notice an order against
23 the person to:

24 (1) cease the violation; and

25 (2) abate the condition ~~of pollution;~~ **resulting in the violation;**
26 fixing in the order a reasonable time within which the correction and
27 abatement must take place.

28 (c) Proceedings concerning an order issued under this section are
29 governed by IC 4-21.5.

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